

**R.K.C.J., LLC, Plaintiff**  
**v.**  
**Texas Capital Bank, N.A., Defendant**

**IN THE UNITED STATES DISTRICT  
COURT FOR THE**

**NORTHERN DISTRICT OF TEXAS,  
DALLAS DIVISION**

**Docket No.**

**DECLARATION OF ROBERT J. PITRE**

STATE OF TEXAS           §  
   §  
COUNTY OF DALLAS     §

**ROBERT J. PITRE**, pursuant to the provisions of U.S.C. § 1746, declares, under the penalty of perjury, as follows:

- (1) “My name is Robert J. Pitre. I am, together with my wife, Katrina Pitre, the owner of 100% of the Plaintiff, R.K.C.J., LLC. We are both of African American descent.

JANUARY 14, 2020, DEFENDANT MET WITH PLAINTIFF TO REVIEW LAND HOLDINGS AND IMPROVEMENTS OWNED BY PLAINTIFF THAT PLAINTIFF SOUGHT TO REFINANCE AN EXISTING \$1.6 MILLION DOLLAR HELD BY HANCOCK WHITNEY BANK, N.A., AS SUCCESSOR TO MID-SOUTH BANK, N.A., AND ALSO OBTAIN AN ADDITIONAL \$200,000 LINE OF CREDIT. DURING THIS MEETING, DEFENDANT WAS PROVIDED WITH DOCUMENTATION OF THE PLAINTIFF’S MYRIAD THE REAL ESTATE HOLDINGS, ATTACHED HERETO AS EXHIBITS A AND A-1. THE BULK OF THESE ASSETS ARE FREE AND CLEAR OF LIENS AND ADD UP TO OVER \$15 MILLION IN VALUE.

THE VERY NEXT DAY, JANUARY 15. 2020, PLAINTIFF THRU HIS ATTORNEY SENT TO DEFENDANT TRANSMITTALS ATTACHED HERETO AS EXHIBITS “B” AND “C” , APPROPRIATELY REDACTED TO DELETE PERSONAL IDENTIFICATION TAX NUMBERS, OF THE TAX RETURNS FOR THE PREVIOUS THREE YEARS FOR DEFENDANT AND THE PERSONAL PRINCIPALS THAT OWN 100% OF THE MEMBERSHIP INTEREST OF DEFENDANT. THESE TAX RETURNS SHOWED SUBSTANTIAL EARNINGS FROM SALES OF REAL ESTATE OVER THE PAST THREE YEARS IN EXCESS OF \$2.4 MILLION.

PLAINTIFF ALSO PROVIDED DEFENDANT WITH A PARTIALLY EXECUTED OPTION AGREEMENT, DATED DECEMBER 2019, WITH THE REPRESENTATION THAT IT HAD BEEN COMPLETELY EXECUTED AND PARTIALLY FUNDED, WHERE DEFENDANT HAD SOLD A 27 ACRE TRACT LISTED IN THE FINANCIALS TO THE TEXAS CENTRAL RAILROAD FOR AN AGGREGATE CONSIDERATION OF \$3 MILLION DOLLARS, OF WHICH \$600,000 HAD ALREADY BEEN ADVANCED, AND ANOTHER \$400,000 WOULD BE ADVANCED IN JUNE 2020, WITH THE BALANCE DUE DECEMBER 31, 2020 IN THE AMOUNT OF \$2,000,000.

PLAINTIFF WAS ALSO PROVIDED WITH AN APPRAISAL OF THE 65 ACRES OWNED BY DEFENDANT, CONDUCTED BY MID-SOUTH BANK, WHICH APPRAISED THE LAND AND IMPROVEMENTS IN EXCESS OF \$10 MILLION DOLLARS. SAID APPRAISAL IS ATTACHED HERETO AS EXHIBIT “E”.

PLAINTIFF ALSO ADVISED THAT IT WOULD MOVE ITS BANK DEPOSITS TO THE DEFENDANT IN EXCESS OF \$200,000.

IN RESPONSE TO THIS APPLICATION, DEFENDANT RESPONDED THAT ANY LOAN THAT WOULD BE PROVIDED WOULD BE SECURED BY A FIRST LIEN ON THE ENTIRE 65 ACRES, AND A COMPLETE ASSIGNMENT OF THE OPTION AGREEMENT. THIS WOULD BE \$13 MILLION COLLATERAL TO SECURE A REFINANCING OF \$1.6 MILLION AND A LINE OF CREDIT OF \$200,000.

WHEN REQUESTED TO CONFIRM THESE ONEROUS TERMS IN WRITING, DEFENDANT CHOSE TO REPLY THAT PLAINTIFF HAD WITHDRAWN ITS LOAN APPLICATION RATHER THAN SPECIFY THE ONEROUS TERMS THAT WERE VERBALLY DISCUSSED.

“FURTHER DECLARANT SAYETH NOT.”

  
ROBERT J. PITRE

Dated: February 25, 2019